

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

JOHN THOMAS MOORE, JR., )

Petitioner, )

v. )

2:04-cv-03236-WMA-JEO


WARDEN J. C. GILES and THE )  
ATTORNEY GENERAL OF THE )  
STATE OF ALABAMA, )

Respondents. )

**MEMORANDUM OF OPINION**

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be denied and dismissed with prejudice. To the extent the petitioner asserts in his objections new challenges to the trial jury's consideration of purportedly hearsay evidence and to the sufficiency of the evidence, these claims are belated. Additionally, they do not entitle him to any habeas corpus relief. An appropriate order will be entered.

**DONE** this 17th day of October, 2006.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE